

CONDEMN AND DEFEND THE UNWRITTEN LAW

TWO SIDES OF THE QUESTION

Man and Woman, Prominent in Public Life, State Their Views on Subject at Present of Much Prominence—The Right to Defend the Integrity of Family Life Is One of the Pleas Made—Only Punishment to Fit the Crime.

BY JOAQUIN MILLER.

A woman, good or bad, shot a man, good or bad, in his hotel in our national capital, the other day. She stands, she says, "intrenched behind the 'unwritten law.'" She claims to have chased this man from Utah to Washington and shot him to death in his hotel, because he refused to provide for her and her two children; that she has twice been a mother; that one of the children bears his name.

We have, up to date, been pretty tolerant of the woman who takes a babe on one arm and a pistol in the other hand and pursues a man to his death. But when there are two children, as in this case, one may well ponder a bit before he gives her the tears and tenderness so generously given to the guileless, misguided girl.

Like Highwayman's Act.

A woman cannot well come into court with a family of children and plead seduction and betrayal, as a girl too often does, and have the sympathy of both men and women. This woman's statement is that she asked the man either to marry her or give her money to support her children. He said "No; I will not," and with that she shot him to death, or, at least, that she shot him to death, or, at least, that she shot him to death on the spot. Briefly and bluntly she shot him down in his hotel for refusing to give her money. The difference between this act and that of the ordinary burglar or highwayman is not very distinct.

Now, have we not had about enough of this "unwritten law" nonsense? Who will be the next man or woman to shoot someone in the back or belly, and plead the "unwritten law"? I say and you know that had it not been for the noisy and foolish plot in the Tombs with his plea about the "unwritten law" this poor woman out of the far west would be at home today with her husband and her victim on his feet about his business.

Count up on your fingers, if you can do it on both hands, how many cases of this "unwritten law" idea have been conspicuous since the silly and insolent young idler in the Tombs began to exploit his defense for shooting a useful and industrious man in the back. Why, right in the column next to the ugly account of the "woman without a cent," who left her babes behind to travel for days and nights to kill a man, you read of a woman killing a doctor and pleading in justification "unwritten law." Pity her? Yes. But put her quietly in some good asylum, and, above all, don't exploit her as you have the young lunatic in the Tombs, who so

first "unwritten law" tragedy were men of fortune, culture and position. One, the son of a poet who wrote "The Star Spangled Banner," the other a member of congress from New York and equally conspicuous and respected. The member of congress, seeing the other leave his home and wave a handkerchief back to his young wife, leaning out of the window, confronted him there by the iron fence in front of his door and telling him of his shame and that he must die, followed him up and shot him to death. I was reading law at the time of the trial and followed the case closely. I remember reading with surprise the plea, not of the advocate, but the plea of the judge for the prisoner. I recall how one of the jurors, the oldest of them all, going down on his knees in a corner of the jury room, prayed long and loud for the divine guidance in holding the hearthstone sacred.

Lines By C. H. Webb.

As an example of the unexampled pity for both parties to the tragedy let me quote a few lines written at the time by C. H. Webb, of New York, son of a prominent politician of the time, and our minister to Mexico:

This for the wronged member of congress:

Blood on his hands,
Stain on his bed,
Pity them all—
Living and dead.

And this for the handsome and dashing betrayer:

Billows of red
Swell o'er his breast
Pleading with God—
There let him rest.

Sentiment is noble and inspiring. I have no use for either man or woman without deep and sincere sentiment and sympathy in all things. But you search the Bible in vain for anything like this "unwritten law" disease. There are those who tell you that you can find anything you want to find in the Bible. And, true, you can find almost anything. But I defy you to find anything like this "unwritten law" in all the lessons, laws, precepts and examples to be found between the lids of the Book of Books. I confine you let us live by the sacred decalogue. There is all the law. Accept the sermon on the mount, the holy lesson of our Savior, who prayed, "Forgive us, as we forgive others."

"Unwritten Law" Is New.

It may be well enough for those who care to entertain any sort of patience with the "unwritten law" plea to understand distinctly that it is en-

And the sin of it all is the misleading of silly people who mock at the laws that have cost so much toil and are costing so much to maintain them—cranks seeking notoriety through the newspapers.

And oh, the pity of it! Pity for living and dead! But pity most for this deadly disease spreading over the land like a plague, which laughs at the decalogue, the holy lessons and the life and death of Jesus Christ, invoking the hideous and defiant plea of "the higher law."

FOR UNWRITTEN LAW

Dean of the Washington College of Law Defines It as the Right to Defend the Integrity of Family Life.

BY ELLEN SPENCER MUSSEY.

Dean of the Washington College of Law. The unwritten law might be defined to be right to defend the integrity of family life against all invasion and invaders. While the family has



no distinct legal entity apart from the persons who compose it, yet, in the interest of society, the law holds the more intimate family relations as sacred and not to be infringed into by a court of justice. It is on this ground that communications between husband and wife are privileged, and they cannot testify as to confidential communications made by one to the other during the marriage.

Marriage is a civil institution as well as a contract, and it should be a religious sacrament. Law cannot make or unmake the true marriage relation, but so far as the relation concerns society and the state, it must control it.

The Family as a Unit.

The law regards carefully all property rights. It deals promptly with the trespasser and the thief, and enforces contracts. The murderer, the embezzler, the perjurer, have justice meted out to them as enemies of the commonwealth.

But the law does not deal with the family as a unit. Every student of sociology knows that the homes of the commonwealth are its real cornerstones, but the law does not so recognize it. It is the one institution still left to the defense of the head of the family. In the very nature of things, there is always a woman in the case. If the crime is against her personally, if she be over the age of 16, what remedy does the law give her?

A young woman went into a city to support herself, unwarned, inexperienced; her faith and her affection found an unworthy object. Too late, she found the man was already married, and in a wild moment she shot him fatally. If the man had boldly threatened her life, if she had retreated to the wall to elude him, it would have been a case of justifiable homicide. But his crime against her was a more atrocious one than murder. It took away her good name, the love and affections of her friends and relations, her future, her faith in and respect for herself and her trust in God and man.

Written in the Mother's Heart.

And, again, the man takes, under the unchristian laws of certain states, his child away from its mother. Which law comes first—that written in the

statute books or that written in the heart of every mother by the pangs of childbirth? So sure as she lives, that mother will obey the unwritten law, and the child she will have. It is only ten years since there was taken from our statute book the law that a man could by will give his unborn child to whom he pleased, without reference to the paramount claim, by affection and suffering of its mother.

A member of the bar in the one state in the union where there are no divorce laws once told me that in his state they had no serious trouble as to domestic infidelities. "If a man abuses my sister he knows whom he has to deal with." In this case the unwritten law seemed to be preferred to the statute law, which severs the marriage bond on adequate grounds well proven. I suggested to the gentleman that all women were not so fortunate as to have brothers, but the reply was that seldom was there a case in which there was no male relative, and that he believed that were such a case to arise of gross abuse, there was always to be found in the community a man who would protect the woman and her rights.

He picked up a letter from his desk. It was from the government of Newfoundland, accepting his tender for building a railway across the island. By the terms of the contract, now about to be signed, Mr. Reid would build the road at \$15,000 a mile. As a railway is useless unless engines and carriages run over it the contractor agreed to operate it "for a grant in fee simple of 5,000 acres of land for each mile for a period of ten years."

The government accepted this offer. Mr. Reid smiled, his thoughts at the moment going back to his boyhood and to his uncle Henry. By a single stroke of the pen he became the master of 2,500,000 acres.

He was the greatest private land owner in the world. But that was not all. He became possessed of an additional estate. His Uncle Henry died and bequeathed him the five and a half acres in Cupar Angus!

Cat Catches Her Own Fish.

Mr. and Mrs. E. F. Fairbrother, residing in Skowhegan, Me., have a beautiful coon cat, "Buster Brown," by name, about two years of age, which brought home, at an early hour yesterday morning, a spotted trout, eight inches long, weighing a quarter of a pound. "Buster" has been known to do some successful fishing in Whitten brook before, but has always eaten his catch himself. In this instance he seemed to take a pride in his achievements and leaped up on the sill of the window, about five feet from the ground, where he waited until he succeeded in attracting the attention of the household. On entering the house he laid the fish on the floor with the air of a well-trained dog that has retrieved a bird for its master. The fish was still alive, and, when placed in the water, swam about as though entirely unharmed.

"Buster" comes of a cat family noted for its gaming instincts. His father, owned in Hallowell, Me., once brought home a full-grown partridge. "Buster" seemed realize that it is closed time on trout, but as reading is not one of his accomplishments, perhaps it would be unfair to hold him responsible for violation of the game law. He is doubtless the only cat in Maine to add to his value as a household pet the ability to bring home fish for his master's table.

Cow in Strawstack Ten Days.

Ten days ago William Howischer, residing southwest of this city, lost one of his milk cows, and, feeling positive that the animal had strayed away, advertised his loss in the newspapers. The advertisement, however, failed to bring the usual results.

Howischer had abandoned hope of ever finding his cow again, when, on passing near a large straw stack on the farm, his attention was attracted by a noise which seemed to come from within the stack. Securing a lantern he traveled a long, dark passageway in the stack made by the stock, at the end of which he found the missing cow, which had got fast in the passage and could not extricate herself. She was given her freedom and does not seem to be much the worse for her experience—Wapack, O., special in Cleveland Plain Dealer.

Heroism Not Profitable.

When we consider some of the rewards of heroism it is rather surprising there should be so many candidates for Carnegie medals. The experience of a Brooklyn young man is not encouraging. At great personal risk he caught the runaway horse of a physician and stopped it after being dragged half a block. It was in a crowded thoroughfare where the carriage might be smashed. The doctor thanked him. The hero pointed to his overcoat, which was torn to shreds. Also he mentioned that his hip and legs were bruised. The doctor refused to reimburse him for the loss of his coat. "You ought to be grateful you escaped death," he said, "without asking for money." At last he agreed to look at the bruises without charge.

Married Men Appreciated.

Everyone looks with favor on the married man in Australia, and he is considered to deserve well of his country. Even if he is so imprudent as to wed on nothing, and has no home to which to take his bride, he is not much blamed; his relations or her relations generally come to the rescue and set the young couple on their feet. In the government service the married man is very tenderly treated, and this is one place at least where it is a strict rule that no married man shall be dismissed except for insubordination. Needless to say, all the young clerks take wives at the earliest possible moment, and thus insure their positions.

WHAT A RACE SINGS ABOUT.

Each Nationally Has Its Own Range of Favorite Ballads.

"It may or may not be the case that a race's temperament can be judged from its folk songs," said a traveler, "but it is interesting to note the difference of subject matter in the songs of various peoples."

"The Irishman, for instance, seems to sing for the most part about his lady love. Hardly any of his songs are not addressed to his 'Somebody Mavourneen.'"

"The Scot, on the other hand, sings about his country and its history, as a rule 'Scots Wha Hae,' 'Ye Banks and Braes o' Bonnie Doon,' 'Loch Lomond' and so on might be taken as examples."

"The Englishman, it is interesting to note, sings about himself all the time. His songs are about his own glory, his ships, his men, his power. He refers occasionally to old England, but only as a place he made famous by his own prowess. Unlike the Irish and the Scotch, he sings little of his women and his country's beauties."

WANTED MORE OF THE EARTH.

Canny Young Scot Turned Down a Grand offer of 5 1/2 Acres.

Just 41 years ago, in the Scottish village of Cupar Angus, word was passed round that young Bob Reid, the carrier's son, was going out to Australia to seek his fortune.

"Eh, lad," said one local worthy, "but it's a mighty pur outlook for ye. He'd do far better to stick here in the hopes o' gettin' your uncle's cottage and bit o' land."

The uncle of the prospective emigrant heard the news and sought Bob out.

"What's this I hear about you gaein' to Australia?"

Young Reid told him. "Now, look here," said the uncle, a retired blacksmith; "stay on in Cupar Angus an' I'll gie ye a piece o' land for your ain. Now, what do ye say?" "I'm fond o' land," said the boy, "but I want more than I can get in this village. I'm going out to see a bit o' this world."

"Ye'll live to repent it," said the uncle.

"I hope not," replied Bob, "but many thanks all the same." Thirty years later Robert Gillespie Reid, a prominent Montreal railway contractor, sat in his office in the Canadian metropolis. A large map of North America hung before him on the wall. Having migrated to Canada, says the Grand Magazine, he had as a contractor built large portions of the Canadian Pacific railway and was still looking about for new fields of endeavor.

He picked up a letter from his desk. It was from the government of Newfoundland, accepting his tender for building a railway across the island. By the terms of the contract, now about to be signed, Mr. Reid would build the road at \$15,000 a mile. As a railway is useless unless engines and carriages run over it the contractor agreed to operate it "for a grant in fee simple of 5,000 acres of land for each mile for a period of ten years."

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Bank Will Close.

Columbus, O.—The First National bank of Leipsic, which was organized by farmers and business men, will close up its affairs, return the charter and go out of business as soon as outstanding claims can be paid. Lack of patronage given as the cause.

Steamer on the Rocks.

Sandusky, O.—The passenger steamer Lakeside, Capt. Fox, coming here from the islands with passengers and freight, struck on the rocks at the Cedar Point jetty in a heavy fog. The vessel was later released.

Into a Roaring Fire.

Bellaire, O.—Melvin, 6, son of Mr. and Mrs. C. D. Cline, of Dillie's Bottom, was playing on the floor in front of a large open fire-place. He stumbled and fell head first into the roaring fire, and was seriously burned.

Sprints in Scant Attire.

Marion, O.—After going to bed in his room at a local hotel, Thos. Fagin became suddenly insane. Attired in nothing but his underclothing, Fagin dashed out on the street with the mercury at zero and started to sprint through the town. He was captured.

Money Lender's Fate.

Toledo, O.—Thirty days in the workhouse and pay the costs, was the sentence meted out to Henry E. French in police court. French, who was the reputed head of three local loan companies, was convicted on a charge of violating the loan company ordinance.

Named Camp Perry.

Columbus, O.—Adj. Gen. Critchfield issued an order designating the state rifle range, near Port Clinton, as "Camp Perry." This patch of ground is nearest the point on Lake Erie where Commodore Perry won his famous battle against the English.

Shoots Motorman; Kills Himself.

Alliance, O.—John Eldener, motorman, was shot and fatally wounded when on his car by Wm. Gloucher, of Canton. Gloucher then killed himself. He is said to have accused Eldener of breaking up his home.

Woman Starves To Death.

Springfield, O.—In the midst of holiday cheer Rosa Higgins, 58, died from starvation in a shanty in Spencer street, along Buck creek. A 12-year-old boy, her son, was with her when death came, but the child thought that she had only gone to sleep.

His Whiskers Are Now Safe.

Cleveland, O.—John Glade was granted an injunction to prevent his wife, Johanna Glade, pulling out any of his whiskers, interfering with his business and "jawing him on the streets of Cleveland."

Child Smothers to Death.

Upper Sandusky, O.—When Mr. and Mrs. John Fressler, of near Carey, returned home from a Christmas entertainment they found their five-week-old child dead, having been smothered in the sleigh from being too closely bundled.

Brothers Buried.

Murray City, O.—About noon there was a heavy snow fall on No. 7 mine in this city, which completely buried two brothers, Frank and Ed Snyder. The men were still living when uncovered, but are in a critical condition.

STATE ITEMS OF INTEREST

VERY LITTLE CHANGE MADE

By Secretary Thompson, Who Selects His Staff For Ensuing Year.

Columbus, O.—Secretary of State-elect Carl A. Thompson announced his staff of subordinates, naming the following:

Chief Clerk—Thomas D. Binkley, Perry county.

Statistical Clerk—J. J. Rowe, Cuyahoga county.

Stationery Clerk—John P. Maynard, Fayette county.

Recording Clerk—Ed C. Martin, Champaign county.

Assistant Recording Clerk—Edward Hummel, Hamilton county.

Proofreading Clerk—John G. Smock, Montgomery county.

Corporation Clerk—Calvin W. Reynolds, Lawrence county.

Assistant Corporation Clerk—Henry W. Frillman, Franklin county.

Stenographer—Benton Morrow, Franklin county.

Superintendent Bookroom—W. G. McCartney, Ashtabula county.

Corporation Fee Clerk—Henry G. Bohl, Washington county.

Assistant Corporation Fee Clerk—Frank M. Lasley, Jackson county.

Corporation Fee Stenographer—Grace Jones, Lawrence county.

Mailing Clerk—Fred Caley, Summit county.

All of these appointments are effective January 14, with two exceptions. Stationery Clerk John P. Maynard will assume his duties upon January 1, his predecessor, George Wood, having resigned. Statistical Clerk J. J. Rowe will not take hold until some time in February, when the present statistical clerk will have completed the tabulation of the election returns.

The list of appointees is almost the same as the force now holding positions under Secretary Laylin. J. J. Rowe, of Cuyahoga, succeeds Leslie Smith, of Cuyahoga, and Mr. Smith resigned some time ago, and John G. Smock is transferred from mailing clerk to proofreading clerk, a place that has been vacant since the resignation of Howard Shaul, several months since. The post of shipping clerk, held by W. F. Frank, of Medina, is abolished, and Byron L. Booth, corporation stenographer, is succeeded by Miss Grace Jones, of Ironton. Edward C. Martin, of Champaign, succeeds Charles R. Brewer, of Wood, as recording clerk.

Twelve New Mail Routes.

Washington.—The post office department issued orders providing for the establishment of 12 rural free delivery routes in Clermont county, O., beginning February 16. Two will begin at Amelia, three at Batavia, one at Bethel, five at Loveland, one at Milford, one at Moscow, one at Richmond and two at Williamsburg.

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FORBIDDEN TO MARRY

While His Divorced Wife Lived, But Took a Bride Just the Same.

Youngstown, O.—A peculiar situation is brought about by the marriage of Ralph F. McCaughy, a prominent young man of this city, and Miss A. Vivian Armstrong, of Syracuse, N. Y., at Erie, Pa. McCaughy had a suit pending, asking for a divorce from Edith P. McCaughy.

Some time ago Mrs. Edith P. McCaughy obtained, in New York, a divorce from McCaughy, the terms of which forbade his marrying while she lived. He at once started proceedings in the local courts, alleging that the grounds upon which she obtained a divorce in New York did not free him. It was with considerable surprise, therefore, that his marriage at Erie was learned. His attorneys say they knew nothing of the matter other than that they had been told to withdraw the petition.

"I have been advised by attorneys in New York state that the second divorce is not necessary," said McCaughy when he arrived here with his bride.

OHIO'S FINANCIAL CONDITION.

Almost \$3,000,000 in the General Revenue Fund.

Columbus, O.—The annual report of State Treasurer McKinnon for the fiscal year ending November 15 was filed with Gov. Harris.

The statement shows the finances of the state to be in excellent condition. The balance in the general revenue fund at the close of the year was \$2,899,901.24; sinking fund, \$425,554.17; school fund, \$236,291.37; university fund, \$184,286.26; total balance, \$3,745,932.04.

The net increase of the general revenues amounted to \$610,074.97. There was on deposit an average of \$2,817,350 in 75 banks. These banks paid but 2 1/2 per cent. interest.

The amount of the interest account for the year by reason of these deposits was \$55,568.17. This was the amount paid the state under the provisions of the state depository act.

The gross receipts of the year amounted to \$13,074,423.88; the expenditures, \$9,328,399.84.

WARDEN'S "BOY"

Received the Christmas Pardon—Other Convicts Cheered the News.

Columbus, O.—Harry Jones, a colored convict serving a life sentence from Hamilton county for murder in the second degree, was the recipient of the Christmas pardon from Gov. Harris. Jones was sent up in 1898, and for the past two years has been the "house boy" to Warden Gould. When he arrived he could neither read nor write, but by taking advantage of his leisure moments is now fairly educated.

The warden gave him a strong recommendation, and stated that Jones was one of the best cases that ever left the institution since he has been connected with it. He did not leave the prison until after the Christmas dinner. When the pardon was announced at chapel where the inmates were congregated there was vigorous applause.

The pardoned man will remain in the city a few days and will afterward make his headquarters in Dayton.

Runaway Pony Spoils Dinner.

Marion, O.—While Matthew McKinsy, 9, was driving his pony to a sleigh it ran away at a railway crossing and dashed into the home of Louis Mendhall. The pony's fore feet landed squarely upon the dining-room table. Dishes were broken and members of the family eating dinner scattered in all directions.

A Busy "Bee King."

Medina, O.—Because of some interesting experiments he is making with queen bees, A. I. Root, known as the "Bee King," did not leave Florida to attend the wedding of his daughter, Miss Carrie Belle Root and Mr. Llewellyn W. Boyden, of New York.

Church Thief a Woman.

Lima, O.—Attending Christmas services, worshippers at St. John's Catholic church were relieved of furs, cloaks, overcoats and purses left in the cloakrooms. When Mrs. Nellie Davis, 20, was charged with the theft, she acknowledged it and was jailed.

Hermit Frozen to Death.

Hamilton, O.—Martin Conway, 70, a recluse, who lived in a stable, was found frozen to death. He made a boast five years ago that no person other than himself would ever cross his threshold while he lived. He made it good.

Touches Live Wire; Dies.

Findlay, O.—While attending the furnace at his home James Kelly was instantly killed by an electric light wire which had become heavily charged. While assisting in the removal of the body Edward Jacobs received a shock from the wire he nearly died.

Inherits \$30,000.

Mr. Vernon, O.—John Holland McKicker, a well-known character about town, has received word that by the death of an uncle, John McKicker, of Vandalia, Ill., he is to receive \$30,000 in real estate.

Will Rebuild Old Site.

Washington.—The treasury department has solved the federal building problem at Columbus by adopting plans to rebuild the present building on the site already occupied. Four hundred thousand dollars will be spent for that purpose.